

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**JACQUELINE A. COTE, on behalf of herself
and others similarly situated,**

Plaintiff,

v.

WAL-MART STORES, INC.,

Defendant.

No. 15 Civ. 12945 (WGY)

**PLAINTIFF’S MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT AND
APPROVAL OF THE PROPOSED NOTICE OF SETTLEMENT**

Plaintiff Jacqueline Cote (“Plaintiff” or “Cote”) respectfully submits the following Motion for Preliminary Approval of Class Action Settlement and Approval of the Proposed Notice of Settlement (“Motion”). For the reasons set forth in the Memorandum of Law in Support of Plaintiff’s Motion, the Declarations of Peter Romer-Friedman, Gary Buseck, Matthew Handley, and Peter Grossi in Support of Plaintiff’s Motion, and the exhibits attached thereto, Plaintiff respectfully requests that the Court enter an Order:

- (1) granting preliminary approval of the Settlement Agreement, attached as Exhibit 1 to the Declaration of Peter Romer-Friedman;
- (2) approving the Proposed Notice Plan (Exhibit B to the Declaration of Bernella Osterlund) and the Proposed Notice (Exhibit C to the Settlement Agreement), and directing the Claims Administrator to mail the Notice and commence the publication notice within 20 business days of the Preliminary Approval Order date, or on another date as agreed to by the parties;

- (3) appointing KCC Class Action Services, LLC (“KCC”) as the Claims Administrator;
- (4) approving the following deadlines for Class Members to take relevant actions, as set forth in the Settlement Agreement:
 - a. All requests to opt out shall be filed 60 days after the Notice is first mailed to the Class (or, in the case of a re-mailed notice, within 60 days of its mailing but not later than 90 days after the Notice is first mailed to the Class).
 - b. All objections or comments to the Settlement or requests to appear at the fairness hearing shall be filed within 60 days after Notice is first mailed to the Class (or, in the case of a re-mailed notice, within 60 days of its mailing but not later than 90 days after the Notice is first mailed to the Class).
 - c. All Short Form or Long Form Claims shall be filed with the Claims Administrator within 60 days after Notice is first mailed to the Class.
 - d. All evidence related to a Long Form Claim must be filed within 90 days after the Notice is first mailed to the Class.
 - e. All other dates set forth in the Settlement Agreement.
- (5) scheduling a fairness hearing at a time of the Court’s convenience, but no sooner than 135 days after the filing of the Preliminary Approval Order, for final approval of the settlement;

- (6) requiring Plaintiff and Class Counsel to file a motion for attorneys' fees and costs, motion for a service award, and motion for final approval on or before two weeks prior to the date of the fairness hearing;
- (7) approving the establishment of a Qualified Settlement Fund pursuant to Treas. Reg. §1.468B-1 to receive, hold, and distribute the Class Settlement Amount in accordance with the terms of the Settlement Agreement, this Order, and that the Qualified Settlement Fund and the Claims Administrator will be subject to the continuing jurisdiction of this Court; and
- (8) granting such other, further, or different relief as the Court deems just and proper.

Walmart does not oppose the Court's granting of preliminary approval to the proposed Settlement nor does it oppose the Court's approval of the proposed Notice of Settlement.

DATED: December 2, 2016

Respectfully submitted,

JACQUELINE COTE

By her attorneys,

/s/ Peter Romer-Friedman
Peter Romer-Friedman (*pro hac vice*)
prf@outtengolden.com
OUTTEN & GOLDEN LLP
718 7th Street NW
Washington, DC 20001
(202) 770-7886

Gary Buseck (Bar No. 067540)
gbuseck@glad.org
Allison W. Wright (Bar No. 684753)
awright@glad.org
GAY AND LESBIAN ADVOCATES &
DEFENDERS
30 Winter Street, Suite 800
Boston, MA 02108
(617) 426-1350

Juno Turner (*pro hac vice*)
jturner@outtengolden.com
Sally Abrahamson (*pro hac vice*)
samabrahamson@outtengolden.com
OUTTEN & GOLDEN LLP
685 Third Avenue, 25th Floor

John A. Freedman (Bar No. 629778)
John.Freedman@aporter.com
Peter Grossi (*pro hac vice*)
Peter.Grossi@aporter.com
Sarah Warlick (*pro hac vice*)
Sarah.Warlick@aporter.com

New York, NY 10017
(212) 245-1000

ARNOLD & PORTER LLP
601 Massachusetts Ave., NW
Washington, DC 20001
(202) 942-5000

Matthew K. Handley (*pro hac vice*)
Matthew_Handley@washlaw.org
WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN
AFFAIRS
11 Dupont Circle, NW, Suite 400
Washington, DC 20036
(202) 319-1000

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd of December, 2016, this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Peter Romer-Friedman
Peter Romer-Friedman (*pro hac vice*)
prf@outtengolden.com
OUTTEN & GOLDEN LLP
718 7th Street NW
Washington, DC 20001